

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SOLOMON SHARBAT, SOLOMON CAPITAL
LLC, SOLOMON CAPITAL 401k TRUST, and
SHELHAV RAFF,

Plaintiffs,

– against –

IOVANCE BIOTHERAPEUTICS, INC., f/k/a
LION BIOTECHNOLOGIES, INC., f/k/a
GENESIS BIOPHARMA INC., and MANISH
SINGH,

Defendants.

ORDER

20-cv-1391 (ER)

Ramos, D.J.:

Plaintiffs Solomon Sharbat, Solomon Capital LLC, Solomon Capital 401k Trust, and Shelhav Raff brought this suit against Iovance Biotherapeutics (“Iovance”), formerly Lion Biotechnologies Inc. and Genesis Biopharma, Inc., and Manish Singh for breach of contract and related claims. On January 4, 2023, the Court granted Iovance’s motion for sanctions, resulting in the dismissal of all claims except Plaintiffs’ claims for unjust enrichment and indemnity. Doc. 140 (January 4, 2023 Opinion & Order) at 40–41. Thereafter, on July 10, 2023, Iovance moved for summary judgment on those remaining claims, Doc. 184, which the Court granted on October 26, 2023 and closed the case. Doc. 209. In its September 6, 2024, Opinion & Order, the Court ordered Plaintiff to pay attorney fees to defense counsel. Doc. 242.

On May 28, 2025, Mr. Sharbat emailed the Court, Mr. Raff, and Defendants a letter informing them that he had not complied with the discovery requests because his former attorney, Elio Forcina, failed to bring them to his attention. Specifically, he stated the following:

At the time those discovery requests were served, I was still represented by

former counsel, Elio Forcina. However, Mr. Forcina was terminated as my attorney and has not actively represented me for some time. Unfortunately, he never filed a motion to withdraw his appearance as counsel and, more significantly, never forwarded these discovery requests to me or informed me of their existence.

This letter was subsequently filed on the docket. Doc. 254.

The Court held a conference on May 29, 2025, at which the Court heard the parties and determined that by July 18, 2025, Plaintiffs were ordered to either (1) retain new counsel and have said new counsel enter their appearance on the docket; or (2) advise the Court that they will proceed *pro se*. The Court scheduled a status conference for July 18, 2025 at 11:30 a.m.

Separately, on July 15, 2025, Mr. Sharbat again emailed a letter to the Court, Mr. Raff, and counsel for Defendants saying that he would be unable to attend the status conference scheduled for July 18, 2025 for religious reasons and requesting that it be adjourned. He also informed the Court that he had been unable to retain New York counsel that he could afford and that he did not expect that to change before July 18, 2025. On July 16, 2025, the Court adjourned the conference to July 29, 2025 at 10 a.m. Doc. 257.

On July 29, 2025 at 10 a.m., the Court held the status conference at which Plaintiffs failed to appear. At approximately 10 minutes after the hour, the Court emailed Mr. Sharbat telling him the conference had begun. Mr. Sharbat did not respond until an hour later.

At approximately 11 a.m., Mr. Sharbat emailed the Court, Mr. Raff, and Defendants explaining that they had not joined the call at 10 a.m. because they had not received notice of the conference.

In light of the information Mr. Sharbat relayed to the Court in his May 28, 2025 letter, the representations in the May 29, 2025 conference, and Plaintiffs' failure to appear for the July 29, 2025 conference, Elio Forcina is hereby relieved of his responsibilities as counsel of record for

Plaintiffs Solomon Sharbat, Solomon Capital LLC, Solomon Capital 401k Trust, and Shelhav Raff.

In light of Mr. Sharbat's representations in his July 15, 2025 letter the Court will assume that he and Mr. Raff will proceed *pro se* going forward. As the parties are aware, the corporate plaintiffs, Solomon Capital LLC and Solomon Capital 401(k) Trust, cannot appear *pro se* and cannot be represented by non-lawyers.

The Clerk of Court is respectfully directed to terminate Elio Forcina of Ford & Harrison LLP as counsel of record to allow Plaintiffs to proceed *pro se*.

A status conference is scheduled for August 6, 2025 at 10:30 a.m. The parties are instructed to call (855) 244-8681; enter access code 2301 087 7354#; and enter # again when asked to enter the attendee ID number. The parties are further instructed to join the call five (5) minutes prior to the conferences start time.

It is SO ORDERED.

Dated: July 29, 2025
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written above a horizontal line.

Edgardo Ramos, U.S.D.J.